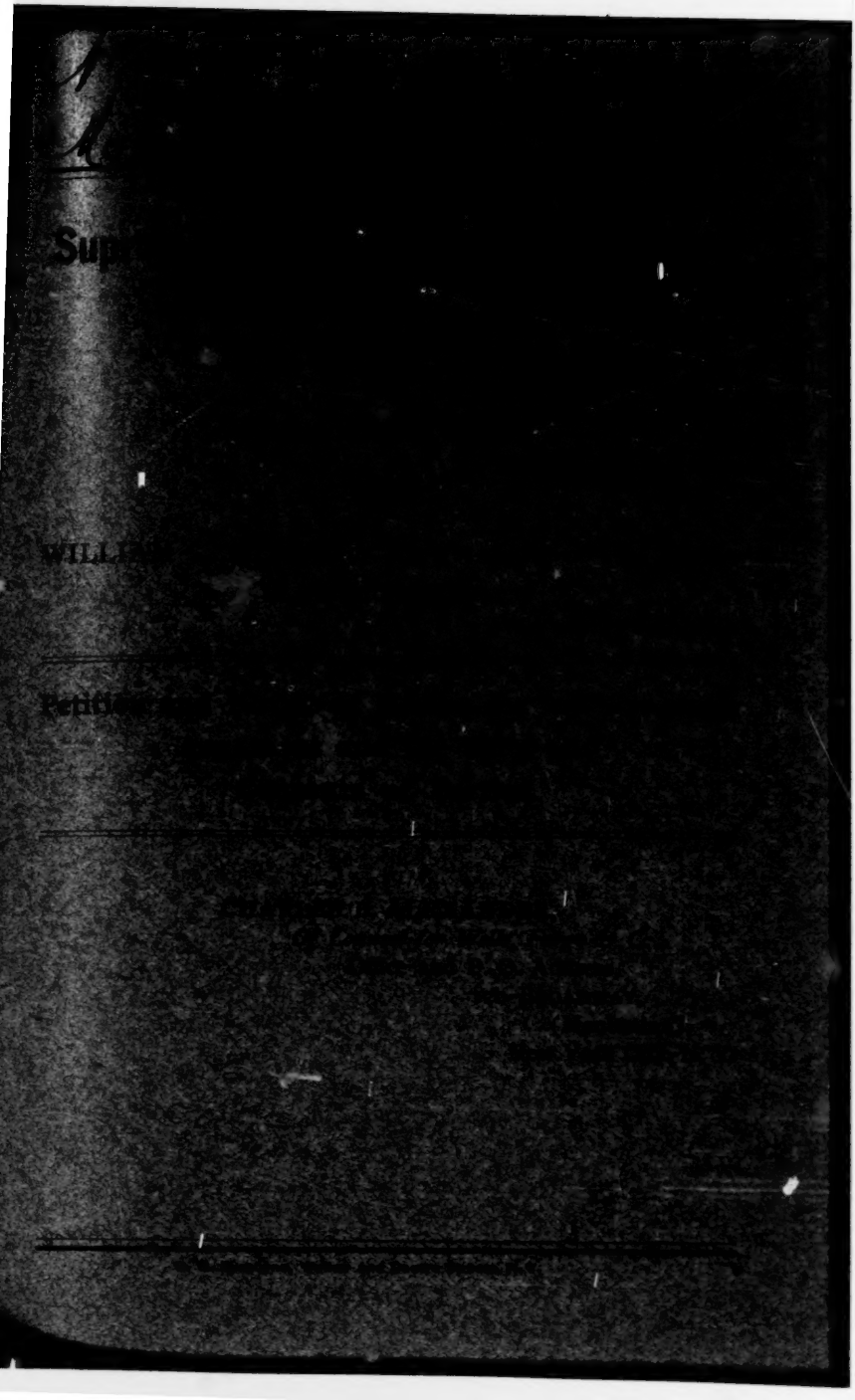

In the Supreme Court of the United States

WILLIAM CRAWFORD,
Plaintiff and Appellant,

AGAINST

WILLIAM L. HUBBELL, as Treasurer of the Adams Express Company,
Defendant and Appellee.

Term No. 248.

SIRS—Please take notice, that on the opening of Court on the 23d day of October next, at 12 o'clock noon, at the Capitol in the City of Washington, I will apply to the Court on behalf of Wells, Fargo & Company, a corporation, upon the annexed petition and consent and upon the record in this cause, for leave to submit a brief and be orally heard on the argument thereof.

Dated New York, October 13th, 1899.

CHARLES B. ALEXANDER,
Of Counsel for Wells, Fargo & Company,
Office and Post-office address,
No. 120 Broadway,
New York,
N. Y.

To JAMES B. DILL, ESQ.,
Counsel for Plaintiff and Appellant.
MESSRS. DILL, SEYMOUR & KELLOGG,
Attorneys for Appellant.
CHARLES STEELE, ESQ.,
Of Counsel for Defendant and Appellee.
MESSRS. SEWARD, GUTHRIE & STEELE,
Attorneys for Appellee.

IN THE SUPREME COURT OF THE UNITED STATES.

WILLIAM CRAWFORD, Plaintiff and Appellant, AGAINST WILLIAM L. HUBBELL, as Treasurer of the Adams Express Company, Defendant and Appellee.	Term No. 248.

TO THE SUPREME COURT OF THE UNITED STATES:

The petition of Wells, Fargo & Company respectfully shows:

That petitioner is a corporation duly incorporated under the laws of the State of Colorado.

That this cause comes here on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and the questions certified to the Court are as follows:

1. Does the War Revenue Act of June 13, 1898, impose upon the carrier exclusively the tax represented by the stamp to be affixed to each bill of lading, manifest, or other evidence of receipt required to be issued to each shipper of goods accepted by the carrier for transportation, or does it impose the tax merely upon the transaction of shipment, leaving it to be paid indifferently by either party thereto?

2. If the War Revenue Act of June 13, 1898, does impose such tax exclusively upon the carrier, does it preclude the carrier, who is by such act required to issue to each shipper a bill of lading, mani-

fest or other evidence of receipt, from relieving itself of the expense of affixing and canceling the stamp required to be attached to such bill of lading, manifest or other evidence of receipt?

That the appellee in this case is not a corporation; that petitioner is deeply interested in the result of this appeal, having been already sued on questions of a similar character in the lower courts and numerous other suits being threatened against it.

In the brief of the appellant in the court below phrases like the following were used: "The carrying business of the country is in the hands of gigantic corporations and associations enjoying public franchises of the greatest value," and other similar phrases, and the inference was sought to be raised that for this reason the act should be construed against them. One answer which it is in the power of the appellee to make to such statement is that it is not a "corporation" and it is not "enjoying public franchises."

Petitioner has been advised by Charles B. Alexander, Esq., its counsel, that it is important that it should be urged on the Court that the fact that some of the express companies are public corporations and enjoy public franchises is not an argument which can be effectively used to pursuade the Court to construe the act in favor of the appellant; but petitioner is advised by its said counsel and believes that the appellee in this case, not being a corporation, and not enjoying public franchises, has no interest to make an argument in opposition to the view expressed by the appellant, and petitioner desires that that argument be made in this cause on its behalf and in the interest of those express companies which are corporations.

A brief has been prepared in petitioner's behalf, but petitioner is most desirous that a short oral argument be made on its behalf on the hearing of this cause. It is informed that the argument which will be addressed to the Court by the learned counsel for the appellee will be short, and that the whole

argument, including the argument which petitioner wishes to be addressed to the Court, will not exceed the ordinary time consumed in the hearing of an appeal before this Court. That, although the question is a very important one, it is a narrow one; that the printed certificate is only fifteen pages in length. Petitioner is informed by the solicitors for the appellee that only one counsel will appear for the appellee. That the questions now to be presented are questions which interest many thousands of citizens, not only the members of unincorporated express companies, but stockholders in express companies, and the great body of persons who are dealers with express companies.

Petitioner, therefore, respectfully prays that it may be permitted to file a brief and that an oral argument may be made on its behalf in this Court.

And your petitioner will ever pray, &c.

WELLS, FARGO & COMPANY,
Petitioner,
By CHARLES B. ALEXANDER,
Counsel.

SOUTHERN DISTRICT OF NEW YORK, }
County of New York, } ss.:

CHARLES B. ALEXANDER, being duly sworn, says that he is of counsel for Wells, Fargo & Company; that he has read the foregoing petition and knows the contents thereof, and that the same is true to the best of his knowledge and belief.

CHARLES B. ALEXANDER.

Sworn to before me this 13th }
day of October, 1899. }

WILLIAM C. PRIME,
Notary Public,
Westchester County.
Certificate filed in N. Y. County.

IN THE SUPREME COURT OF THE UNITED STATES.

WILLIAM CRAWFORD, Plaintiff, AGAINST WILLIAM L. HUBBELL, as Treasurer of the Adams Express Company, Defendant.	Term No. 248.

We do hereby consent that Wells, Fargo & Company be permitted to file a brief, and that Mr. Charles B. Alexander be permitted to make an argument on the side of the appellee in this cause.

Dated New York, October 9th, 1899.

JAMES B. DILL,
Counsel for William Crawford, Plaintiff.

IN THE SUPREME COURT OF THE UNITED STATES.

WILLIAM CRAWFORD, Plaintiff, AGAINST WILLIAM L. HUBBELL, as Treasurer of The Adams Express Company, Defendant.	Term No. 248.

We do hereby consent that Wells, Fargo & Company be permitted to file a brief, and that Mr. Charles B. Alexander be permitted to make an argument in this cause.

Dated New York, October 9th, 1899.

CHARLES STEELE,
Of Counsel for Defendant.

FILED
OCT 9 1899
JAMES H. McKENNEY,
Clerk.

No. 248.

Motion to postpone.

Filed Oct. 9, 1899.

Supreme Court of the United States.

OCTOBER TERM, 1899.

No. 248.

WILLIAM CRAWFORD,
Appellant,

vs.

WILLIAM L. HUBBELL, as Treasurer of the Adams Express Company.

MOTION TO POSTPONE ARGUMENT.

CHARLES STEELE,
Of Counsel for Respondent.

WASHINGTON, October 9, 1899.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM.

No. 248.

WILLIAM CRAWFORD, Appellant, AGAINST WILLIAM L. HUBBELL, as Treasurer of the Adams Express Company.	Notice of Motion.

Notice is hereby given that upon the affidavit of Charles Steele, Esq., verified the 6th day of October, 1899, and upon the record in the above-entitled suit, removed to this Court on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and the order heretofore made setting down this case for hearing on the second Monday of the October Term, 1899, I shall, on Monday, the 9th day of October, 1899, at the opening of Court on that day, or as soon thereafter as counsel can be heard, submit to the Supreme Court of the United States, at the Capitol in the City of Washington, and argue a motion to set a later date for the argument of this case, which motion is attached hereto, and a copy of which is herewith served upon you.

CHARLES STEELE,
Of Counsel for Respondent.

To JAMES B. DILL, ESQ.,
Of Counsel for Appellant.

IN THE SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM.

No. 248.

WILLIAM CRAWFORD,
Appellant,

AGAINST

WILLIAM L. HUBBELL, as Treasurer of the Adams Express Company.

Motion to set later date for argument.

Now comes William L. Hubbell, as treasurer of The Adams Express Company, the said respondent, by Charles Steele, his counsel, and upon the affidavit of Charles Steele, Esq., and the record in the above-entitled suit, removed to this Court on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and the order heretofore made in said suit, setting the same down for hearing on the second Monday of the October Term, 1899, moves this Honorable Court that said case may be set down for hearing on a later day when the same can be argued before a full bench, and that the same may be heard on the day fixed for the hearing of the case of The American Express Company against Fred A. Maynard *et al.*, No. 220, October Term.

Dated October 9, 1899.

CHARLES STEELE,
Of Counsel.

IN THE SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM. No. 248.

WILLIAM CRAWFORD,
Appellant,

AGAINST

WILLIAM L. HUBBELL, as Treasurer of the Adams Express Company.

Southern District of New York, } ss.:
COUNTY OF NEW YORK, }

CHARLES STEELE, being duly sworn, deposes and says that he is of counsel for the respondent in the above entitled action, and is fully conversant with the facts of said case. That on motion in this suit granted on the eleventh day of April, 1899, the second Monday of the October Term, 1899, was set for the hearing therein. This case presents substantially the same questions that are involved in the case of The American Express Company, respondent and plaintiff in error, against Fred A. Maynard, Attorney General of the State of Michigan on relation of George F. Moore *et al.*, No. 220, which was set down for hearing on the second Monday of the October Term, 1899, in order that both of said cases might be heard together. A motion is to be made on October 9th, 1899, to set the case of The American Express Company against Maynard down for hearing on a later date, in order that the important questions involved therein may be heard before a full bench. Both of these cases present for construction by this Court the section of the War Revenue Act of 1898 which imposes a tax upon express receipts. It is estimated the tax would amount annually to more than $1,600,000, and the question is one affecting all express companies and shippers in the United States. Deponent is informed by the Clerk of this Court that the Chief Justice and Mr. Justice BREWER will not be

present in Court at the time these cases are set for argument. It is important that this case shall be set for hearing at the same time with No. 220, above mentioned, and it is earnestly desired that both cases may be argued before a full Court.

CHARLES STEELE.

Sworn to before me this 6th day of October, 1899.

FELIX M. GERNSHEIM,
Notary Public,
New York County.

[SEAL.]